

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 22-11818</b>
<b>Keith M. Scriven DBA Hanlan</b>	:	<b>Chapter 11</b>
<b>Midgette Scriven, LLC, DBA Hanlan</b>	:	<b>Judge Ashely M. Chan</b>
<b>Midgette Scriven, LP, DBA Scriven,</b>	:	<b>* * * * *</b>
<b>Inc.</b>	:	<b>*</b>

**Debtor(s).**

<b>Keith M. Scriven DBA Hanlan</b>	:	
<b>Midgette Scriven, LLC, DBA Hanlan</b>	:	<b>Related to Document No. : 107</b>
<b>Midgette Scriven, LP, DBA Scriven,</b>	:	
<b>Inc., Richard E Furtek</b>	:	
<b>Movant</b>	:	

**v.**

**Ajax Mortgage Loan Trust 2021-D,  
Mortgage-Backed Securities, Series  
2021-D, by U.S. Bank National  
Association, as Indenture Trustee**

**Respondent**

**RESPONSE TO DEBTOR'S OBJECTION TO PROPOSED ORDER (DOCKET # 107)**

Now comes Ajax Mortgage Loan Trust 2021-D, Mortgage-Backed Securities, Series 2021-D, by U.S. Bank National Association, as Indenture Trustee ("Creditor"), by and through its mortgage servicing agent Gregory Funding LLC, by and through its attorneys, Manley Deas Kochalski LLC, and responds to the Debtor's Objection to Proposed Order filed by Keith M. Scriven DBA Hanlan Midgette Scriven, LLC, DBA Hanlan Midgette Scriven, LP, DBA Scriven, Inc. ("Debtor") on March 14, 2023 at Docket # 107.

Creditor states that Debtor is filing frivolous objections with the Court in an attempt to circumvent the August 2022 Stipulation. Debtor's first Objection to Proposed Order makes broad generalizations without any explanation as to how the Proposed Order "exceeds the terms of the August 22, 2022 Stipulation Order". In an effort to resolve the Objection, Creditor

amended the Proposed Order and sent a copy to Debtor's counsel before filing with the Court.

The only response from Debtor's counsel was that "Paragraphs 2 and 3 go beyond the Stipulation". Again, Debtor's counsel could not and would not be more specific.

Debtor's second Objection to Proposed Order is specific, however, and this Objection is an admission of Debtor's finite parameters of his concerns. Debtor requests that Creditor only obtain *In Rem* Relief consistent with the terms of the August 22, 2022 Stipulation Order. The Court should honor this request and enter the Amended Proposed Order that Creditor filed on March 13, 2023 at Docket No. 105<sup>1</sup>.

First, the Stipulation was negotiated by the parties, signed by the parties voluntarily, and entered by this Court per the Order Approving Stipulation on August 22, 2022 at Docket No 46. Attached as Exhibit A is the email chain between Debtor's counsel and Creditor's counsel regarding negotiations and agreement to the August 2022 Stipulation. The Court can see that on Tuesday, August 2, 2022 at 9:36 pm, Debtor, through counsel, agreed to the Stipulation and returned an electronically signed copy. There was no objection to *In Rem* Prospective Relief pursuant to 11 U.S.C. §362(d)(4) nor to waiver of the 14-day stay pursuant to Fed.R.Bankr.P. 4001(a)(3).

On the contrary, the parties specifically agreed to *In Rem* Prospective Relief pursuant to 11 U.S.C. §362(d)(4). This code section states that the stay shall not apply to the Property for a period of two years. Creditor correctly used this language in Paragraph 2 of the Amended Proposed Order.

---

<sup>1</sup> Creditor is prepared to add the word "entity" to Paragraph 2 of the Amended Order to clarify that the stay under 11 U.S.C. §362(d)(4) is terminated as to any person or *entity* claiming an interest in the Property. See attached.

Debtor also objects to waiver of the 14-day stay pursuant to Fed.R.Bankr.P. 4001(a)(3) and Debtor states they did not agree to this waiver. Again, Creditor would like to point this Court back to the email exchange and Stipulation that Debtor's counsel explicitly agreed to and electronically signed. Waiver of the 14-day stay pursuant to Fed.R.Bankr.P. 4001(a)(3) was agreed upon in Paragraph 11 of the August 22, 2022 Stipulation.

Creditor believes there is no reason for this Court to not enter the submitted Amended Order right now. Debtor's second Objection to Proposed Order is an admission of the finite parameters of his concerns, and those concerns have been addressed by Creditor. In the unlikely event the Court finds it necessary to set a hearing, Creditor respectfully requests a hearing to be set within the following week to facilitate a timely dismissal once Creditor's Amended Order is entered. Furthermore, Creditor respectfully requests this Court to enter a finding of fact that Debtor, through counsel, agreed to all provisions of the August 22, 2022 Stipulation.

WHEREFORE, Creditor respectfully requests that the objection be overruled, that the Amended Order be entered by the Court without delay, that a finding of fact be entered, and that should a hearing be necessary, that the hearing be scheduled as soon as possible.

Respectfully submitted,

/s/ Adam B. Hall

---

Adam B. Hall, Esquire (323867)  
Alyk L. Oflazian (312912)  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
Telephone: 614-220-5611  
Fax: 614-627-8181  
Attorneys for Creditor  
The case attorney for this file is Adam B. Hall.  
Contact email is abh@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
: **Case No.: 22-11818**  
**Keith M. Scriven DBA Hanlan** : **Chapter 11**  
**Midgette Scriven, LLC, DBA Hanlan** : **Judge Ashely M. Chan**  
**Midgette Scriven, LP, DBA Scriven,** : **\*\*\*\*\***  
**Inc.** : **\***

**Debtor(s).**

**Keith M. Scriven DBA Hanlan** :  
**Midgette Scriven, LLC, DBA Hanlan** : **Related to Document No. : 107**  
**Midgette Scriven, LP, DBA Scriven,** :  
**Inc., Richard E Furtek** :  
**Movant** :

**v.**

**Ajax Mortgage Loan Trust 2021-D,**  
**Mortgage-Backed Securities, Series**  
**2021-D, by U.S. Bank National**  
**Association, as Indenture Trustee**

**Respondent**

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Response to Debtor's Objection to Proposed Order was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Richard E Furtek, Chapter 11 Trustee, Rfurtek@furtekassociates.com

Ronald G. McNeil, Attorney for Keith M. Scriven DBA Hanlan Midgette Scriven, LLC,  
DBA Hanlan Midgette Scriven, LP, DBA Scriven, Inc., r.mcneil1@verizon.net

I certify that on the date of filing, a copy of the foregoing document was sent by U.S.

Mail to the following:

Keith M. Scriven DBA Hanlan Midgette Scriven, LLC, DBA Hanlan Midgette Scriven, LP,  
DBA Scriven, Inc., 1007 North 6th Street, Philadelphia, PA 19123

/s/ Adam B. Hall

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
: **Case No.: 22-11818**  
**Keith M. Scriven DBA Hanlan** : **Chapter 11**  
**Midgette Scriven, LLC, DBA Hanlan** : **Judge Ashely M. Chan**  
**Midgette Scriven, LP, DBA Scriven,** : **\* \* \* \* \***  
**Inc.**

**Debtor(s)**

**Ajax Mortgage Loan Trust 2021-D,** : **Date and Time of Hearing**  
**Mortgage-Backed Securities, Series** : **Place of Hearing**  
**2021-D, by U.S. Bank National** :  
**Association, as Indenture Trustee** :  
**Movant,** : **U.S. Bankruptcy Court**  
**vs** : **900 Market Street, Suite 400, Courtroom #4**  
: **Philadelphia, PA, 19107**  
: **Keith M. Scriven DBA Hanlan** :  
**Midgette Scriven, LLC, DBA Hanlan**  
**Midgette Scriven, LP, DBA Scriven,**  
**Inc.**  
**Richard E Furtek**

**Respondents.**

**AMENDED ORDER OF COURT GRANTING RELIEF FROM STAY IN REM  
PURSUANT TO 11 USC § 362(d)(4)**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to Paragraph 9a of the Stipulation of Creditor Ajax Mortgage Loan Trust 2021-D, Mortgage-Backed Securities, Series 2021-D, by U.S. Bank National Association, as Indenture Trustee ("Creditor") for Settlement of Motion to Extend Automatic Stay filed with this Court on August 11, 2022 at Docket No. 43 and entered by this Court on August 22, 2022 at Docket No. 43, and, being that the instant case was dismissed on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby **ORDERED**, that the Automatic Stay be and hereby is terminated as it affects the interest of Creditor, it's successors and assigns, in and to the property located at 1007 North 6th Street, Philadelphia, PA 19123 ("Property") and more particularly described in the Mortgage, recorded November 30, 2005, at Instrument Number 51326222.

It is further **ORDERED**, that the automatic stay shall not apply to the Property for a period of two years from the date of this order pursuant to 11 USC §362(d)(4). Any Sheriff that is presented with a bankruptcy petition filed within the two-year period by Keith M. Scriven DBA Hanlan Midgette Scriven, LLC, DBA Hanlan Midgette Scriven, LP, DBA Scriven, Inc. or any other person or entity claiming an interest in the Property, may disregard the petition and proceed with the sale of the Property.

It is further **ORDERED**, that the fourteen (14) day stay of the order imposed by Bankruptcy Rule 4001(a)(3) is waived. Any Federal, State, or local governmental unit that accepts notices of interests or liens on real property shall accept any certified copy of this Order for indexing and recording. Creditor may record this Order immediately, regardless of any subsequent bankruptcy petition filed by Debtor.

BY THE COURT

---

ASHELY M. CHAN, JUDGE  
UNITED STATES BANKRUPTCY COURT

CC:

Adam B. Hall, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Richard E Furtek, Chapter 11 Trustee, 101 Lindenwood Dr. Suite 225, Malvern, PA 19355, Rfurtek@furtekassociates.com (notified by ecf)

Ronald G. McNeil, Attorney for Debtor, 1333 Race Street, Philadelphia, PA 19107-1585, r.mcneill@verizon.net (notified by ecf)

Keith M. Scriven DBA Hanlan Midgette Scriven, LLC, DBA Hanlan Midgette Scriven, LP, DBA Scriven, Inc., Debtor, 1007 North 6th Street, Philadelphia, PA 19123 (notified by regular US Mail)

**Adam B. Hall**

---

**From:** r.mcneil@verizon.net  
**Sent:** Tuesday, August 2, 2022 9:36 PM  
**To:** Adam B. Hall  
**Cc:** Sharon C. Schofield  
**Subject:** Re: Scriven, Keith - BK# 22-11818 - MDK file 22-019582

I have attached the electronically signed Stipulation.

On Tuesday, August 2, 2022 at 04:07:36 PM EDT, Adam B. Hall <abh@manleydeas.com> wrote:

Hi Ron,

I just got off of the phone with my client and attached is the revised AO. I'll give you a call in a minute to go over the changes if that is ok.

Have a good day,

Adam B. Hall | Senior Attorney | Manley Deas Kochalski LLC

P.O. Box 165028, Columbus, Ohio 43216-5028

1555 Lake Shore Drive, Columbus, OH 43204

614.754.2874 | [abh@manleydeas.com](mailto:abh@manleydeas.com) | [manleydeas.com](http://manleydeas.com)

Managing Attorney:

Edward H. Cahill | 614.754.2839 | [ehc@manleydeas.com](mailto:ehc@manleydeas.com)

---

**From:** r.mcneil@verizon.net <r.mcneil@verizon.net>  
**Sent:** Monday, August 1, 2022 4:47 PM  
**To:** Adam B. Hall <abh@manleydeas.com>  
**Cc:** Sharon C. Schofield <scs2@manleydeas.com>  
**Subject:** Re: Scriven, Keith - BK# 22-11818 - MDK file 22-019582

The concerns that we have regarding the proposal:

a) Prgh # 1 \$4,377.68 may change because of a modification,  
refinancing, or the parties agree to a difference  
amount;

b) 4c delete [the Trustee will almost certainly file a  
Motion to Dismiss];



c) 4e An improper modification does not include a loss

mitigation application, an objection to Movant's proof

of claim, or an Adversary Complaint challenging the

validity of Movant's lien, or such similar litigation in

state court;

d) 6 Debtor shall only get one (1) Notice & Cure Opportunity

per calendar year;

e) 7b Debtor may not convert to a Chapter 7;

f) 11 . . . unless the Court grants leave to file another

bankruptcy because of a change of circumstances.

On Monday, August 1, 2022 at 09:51:26 AM EDT, r.mcneil@verizon.net <r.mcneil@verizon.net> wrote:

I will share it with Mr. Scriven and I will let you know.

On Monday, August 1, 2022 at 09:26:34 AM EDT, Adam B. Hall <abh@manleydeas.com> wrote:

Good morning Ronald,

Attached is a proposed agreed order to resolve the hearing on Wednesday. Please let me know if you approve and do not hesitate to give me a call on my direct number below if you have any questions or want to discuss.

Have a good day,

Adam B. Hall | Senior Attorney | Manley Deas Kochalski LLC

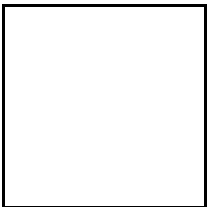
P.O. Box 165028, Columbus, Ohio 43216-5028

1555 Lake Shore Drive, Columbus, OH 43204

614.754.2874 | [abh@manleydeas.com](mailto:abh@manleydeas.com) | [manleydeas.com](http://manleydeas.com)

Managing Attorney:

Edward H. Cahill | 614.754.2839 | [ehc@manleydeas.com](mailto:ehc@manleydeas.com)



**WARNING:** This firm is a debt collector and any information obtained will be used for that purpose. You can stop receiving e-mail communications regarding the debt that are not otherwise allowed by applicable law or court service rules

by contacting us at email\_stop@manleydeas.com. **CONFIDENTIAL:** The information contained in this e-mail and any attachments accompanying this transmission are confidential and may also be subject to the attorney-client privilege, the attorney work product doctrine, or may be otherwise legally privileged. The information contained in this e-mail is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that any use, dissemination, distribution, copying, or any action taken in reliance on the content of this e-mail, is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by telephone and/or e-mail and destroy and permanently delete the original e-mail and all copies thereof. Thank you for your cooperation.

**NOTICE:** This e-mail was not sent by an attorney and, therefore, should not be construed as legal advice. **WARNING:** This firm is a debt collector and any information obtained will be used for that purpose. You can stop receiving e-mail communications regarding the debt that are not otherwise allowed by applicable law or court service rules by contacting us at email\_stop@manleydeas.com. **CONFIDENTIAL:** The information contained in this e-mail and any attachments accompanying this transmission are confidential and may also be subject to the attorney-client privilege, the attorney work product doctrine, or may be otherwise legally privileged. The information contained in this e-mail is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that any use, dissemination, distribution, copying, or any action taken in reliance on the content of this e-mail, is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by telephone and/or e-mail and destroy and permanently delete the original e-mail and all copies thereof. Thank you for your cooperation.

### Copyright

2019

### Copyright

2019